

**REMARKS**

Claims 1-25 are pending. Claims 1, 6, 13 and 16 are amended. Claims 1-12 and 21 have been withdrawn from further consideration by the Examiner.

Applicants' representatives thank Examiner Kruer for the courtesy of the telephone interview conducted on January 28, 2004. Applicants' separate record of the substance of the interview is incorporated into the following discussion.

**Request that Finality of Office Action be Withdrawn**

The present Office Action has been made final, even though it is the first Office Action after the filing of a Request for Continued Examination (RCE), on the basis that all claims could have been finally rejected on the grounds and art of record in the next Office Action if they had been entered in the application prior to entry under 37 C.F.R. §1.114.

Applicants respectfully submit that in light of the prosecution history of the present application, the amendment of July 30, 2003, entered after final, could not have been finally rejected on the grounds and art of record. Namely, the amendment of "comprising" to "consisting essentially of" and the added limitation "the transparent coating layer is capable of transmitting visible light" in claim 13 materially affects the scope of the invention. The transitional phrase of the claim had been the subject of repeated actions throughout the prosecution of the application. Hence, the amendment from "comprising" to "consisting essentially of" clearly limits the scope of the invention.

In the first Office Action of November 21, 2002, the phrase “as its main components” which followed the transitional phrase “comprising” was considered indefinite under 35 U.S.C. §112. Applicants responded in the amendment of February 21, 2003 by removing the phrase.

In the second and final Office Action, the phrase “comprising” was again rejected on the basis that by removing the phrase “as its main components” had broaden the scope of the claim.

In response, Applicants filed an Amendment on July 30, 2003, which replaced “comprising” with “consisting essentially of.” The amendment was clearly intended to limit the scope from “comprising” to “consisting essentially of” which conforms in a more definite manner (*i.e.*, in accordance with M.P.E.P §2111.03) than the previous phrase “as its main components.” In addition, Applicants added the limitation that the coating layer is capable of transmitting visible light in order to limit the invention to a scope clearly outside of prior art.

As this amendment clearly constituted a submission under 37 C.F.R. §1.114(c), Applicants submitted a Request for Continued Examination. Wherefore, Applicants respectfully submit that the finality of the current Office Action is premature and request that it be withdrawn.

#### **Response to Rejections under 35 U.S.C. §112**

Currently, claims 13-20 and 22-25 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

In response thereto, and in accordance with the interview conducted on January 28, 2004, Applicants have amended claims 13 and 16 to recite “consisting of” in place of “consisting essentially of.”

Wherefore, Applicants respectfully submit that the written description of the specification and claims clearly supports the claims as amended.

**Response to Rejections under 35 U.S.C. §102**

Currently claim 13 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Marcantonio et al.* Applicants respectfully submit that in light of the amendment of “consisting of”, *Marcantonio et al.* does not anticipate the current invention as discussed during the interview of January 28, 2004. Specifically, *Marcantonio et al.* requires the additional inclusion of a solid lubricant which is outside of the scope of amended claim 13. The solid lubricant is not an incidental impurity, and thus is excluded from the present claim language.

For at least the foregoing reasons, it is believed that this application is now in condition for allowance. If, for any reason, it is believed that this application is not in condition for allowance, Examiner is encouraged to contact the Applicants’ undersigned attorney at the telephone number below to expedite the disposition of this case.

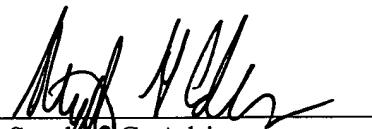
Application No.: 09/645,471  
Amendment dated February 10, 2004  
Reply to Office Action of November 13, 2004

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

By:



\_\_\_\_\_  
Stephen G. Adrian  
Reg. No.: 32,878  
Attorney for Applicant  
Tel: (202) 822-1100  
Fax: (202) 822-1111

MJC/SGA/rer